

Exhibit 16

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.) No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF
CHARLES FERRARA
IRVINE, CALIFORNIA
JULY 7, 2017

Atkinson-Baker, Inc.
Court Reporters
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(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A33

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UNITED STATES DISTRICT
COURT CENTRAL DISTRICT OF
CALIFORNIA WESTERN DIVISION

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Defendants.)

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Videotaped deposition of CHARLES FERRARA, taken
on behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:36 a.m., Friday, July 7, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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1	A. No.	10:24:13
2	Q. Do you know anyone who has had to go through	10:24:14
3	some ritual before being allowed to surf at Lunada	10:24:17
4	Bay?	10:24:22
5	A. No.	10:24:22
6	Q. Have you ever heard of surfers requiring	10:24:22
7	newcomers to go through any hazing type ritual before	10:24:32
8	they're allowed to surf at Lunada Bay before being	10:24:35
9	hassled?	10:24:38
10	MS. HURLEY: Objection, asked and answered,	10:24:39
11	vague and ambiguous, calls for speculation.	10:24:40
12	THE WITNESS: No.	10:24:42
13	BY MS. WOLFF:	10:24:43
14	Q. So, you've never heard of newcomers -- excuse	10:24:43
15	me, do you mind?	10:24:48
16	MS. HURLEY: I'm not sure what you're talking	10:24:50
17	about, Counsel.	10:24:51
18	MS. WOLFF: Well, you're laughing. And I	10:24:52
19	would appreciate it if you would keep your comments	10:24:53
20	to yourself while I'm trying to ask these questions.	10:24:56
21	Thank you.	10:24:57
22	MS. HURLEY: I made no comment, Counsel, just	10:24:57
23	move on.	10:24:59
24	MS. WOLFF: No audible comment, but I could	10:24:59
25	hear you laughing. So, I'd appreciate it if --	10:25:02

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1	MS. HURLEY: I don't know what you're talking	10:25:03
2	about. You can go ahead and move on and we can get	10:25:05
3	this over with.	10:25:07
4	MS. WOLFF: Okay. Thanks.	10:25:09
5	MS. HURLEY: Proceed.	10:25:10
6	BY MS. WOLFF:	10:25:11
7	Q. As I was saying, Mr. Ferrara, have you ever	10:25:12
8	heard of newcomers being required to drink urine in	10:25:20
9	order to be allowed to surf at Lunada Bay?	10:25:24
10	A. No.	10:25:27
11	Q. Do you think it's funny if they were required	10:25:27
12	to drink urine?	10:25:32
13	MS. HURLEY: Objection, argumentative, lacks	10:25:33
14	foundation, incomplete hypothetical, vague and	10:25:35
15	ambiguous.	10:25:38
16	THE WITNESS: Yes, I don't know.	10:25:39
17	BY MS. WOLFF:	10:25:40
18	Q. I'm sorry. I'm not sure that I understand	10:25:41
19	your answer.	10:25:43
20	A. Repeat the question.	10:25:43
21	Q. My question was, do you think it's funny?	10:25:44
22	A. Do I think it's funny?	10:25:46
23	MS. HURLEY: Hold on. Objection, first of	10:25:48
24	all, it lacks foundation because there's -- the	10:25:49
25	witness said that he has never heard of that.	10:25:51

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1 So, it's argumentative, incomplete 10:25:53
2 hypothetical, vague and ambiguous, calls for 10:25:55
3 speculation, if you can answer. 10:25:57
4 THE WITNESS: I can't answer. 10:25:58
5 MS. WOLFF: Well, he was just laughing at it. 10:25:59
6 So, I was asking if he thought it was funny if 10:26:01
7 newcomers were required to drink urine. 10:26:05
8 MS. HURLEY: Counsel, the record will speak 10:26:07
9 for itself, but again, argumentative, asked and 10:26:09
10 answered. We can move on. 10:26:11
11 MS. WOLFF: I'm asking for an answer. 10:26:11
12 THE WITNESS: Can we move on? 10:26:13
13 MS. WOLFF: I'd like an answer first. 10:26:14
14 MS. HURLEY: Do you understand the question? 10:26:16
15 THE WITNESS: I don't understand the 10:26:17
16 question. 10:26:18
17 BY MS. WOLFF: 10:26:18
18 Q. My question was -- 10:26:19
19 A. Do I think it's funny? 10:26:19
20 Q. Correct. Do you think it's funny if 10:26:21
21 newcomers are required to drink urine before they're 10:26:23
22 allowed to surf at Lunada Bay? 10:26:25
23 MS. HURLEY: Objection, incomplete 10:26:26
24 hypothetical, lacks foundation, vague and ambiguous, 10:26:29
25 argumentative, asked and answered. 10:26:29

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1 THE WITNESS: Do you have proof of that of 10:26:30
2 people drinking urine or something? 10:26:32
3 BY MS. WOLFF: 10:26:34
4 Q. That's not what I'm asking. 10:26:34
5 I'm asking if you think it's funny? 10:26:36
6 MS. HURLEY: Same objections, again, we can 10:26:38
7 move on. 10:26:41
8 THE WITNESS: Can we move on? 10:26:42
9 MS. WOLFF: No. I'd like an answer to my 10:26:43
10 question. It's a simple question. 10:26:45
11 MS. HURLEY: Okay. We're going to take a 10:26:46
12 break. We're going off the record. 10:26:47
13 MS. WOLFF: No. My question is pending. I'd 10:26:48
14 like an answer to my question before -- 10:26:50
15 MS. HURLEY: Counsel, this is not a hostage 10:26:51
16 situation. So, we're going to go ahead and go off 10:26:52
17 the record. Excuse me. 10:26:55
18 MS. WOLFF: Really, I have a question 10:26:56
19 pending. I'd like an answer. It's a simple 10:26:57
20 question. 10:26:59
21 MS. HURLEY: Well, we're going off the 10:26:59
22 record. 10:27:01
23 MS. WOLFF: All right. So noted. 10:27:01
24 MS. HURLEY: You can take that off. 10:27:02
25 THE VIDEOGRAPHER: We're off the record at 10:27:04

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1	10:26. Don't forget your microphones, please.	10:27:06
2		10:27:09
3	(Discussion held off the record.)	10:27:09
4		10:36:07
5	THE VIDEOGRAPHER: We're back on the record	10:36:08
6	at 10:36.	10:36:09
7	BY MS. WOLFF:	10:36:13
8	Q. So, when you left there was a question	10:36:14
9	pending. Do you want me to repeat it?	10:36:15
10	A. Yes.	10:36:17
11	Q. The question was, have you ever heard -- I'm	10:36:18
12	sorry.	10:36:20
13	The question was do you think that it's funny	10:36:20
14	if newcomers are required to drink urine at Lunada	10:36:22
15	Bay?	10:36:26
16	MS. HURLEY: Objection, incomplete	10:36:26
17	hypothetical, lacks foundation, calls for	10:36:28
18	speculation, vague and ambiguous.	10:36:30
19	THE WITNESS: I don't think it's funny.	10:36:31
20	BY MS. WOLFF:	10:36:33
21	Q. Okay. Have you ever heard of newcomers	10:36:33
22	having to sit in the sun before they're able to surf	10:36:37
23	at Lunada Bay?	10:36:40
24	A. I'm not aware of that.	10:36:41
25	Q. Have you ever heard of newcomers having to	10:36:44

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1	she's going to sit on the beach and take pictures of	12:43:45
2	me surfing.	12:43:50
3	Q. It's understandable.	12:43:50
4	Has anyone sent you videos of yourself	12:43:52
5	surfing?	12:43:56
6	A. No.	12:43:57
7	Q. Have you taken videos of anyone surfing at	12:43:57
8	Lunada Bay?	12:44:01
9	A. No.	12:44:01
10	Q. So, you don't share photographs or videos	12:44:01
11	with people that you surf with?	12:44:10
12	A. No.	12:44:11
13	Q. Can you tell me what efforts you've made to	12:44:12
14	locate prior cell phone bills from January of 2013 to	12:44:26
15	the present time?	12:44:31
16	A. Um, yeah. I just talked to my mom about the	12:44:31
17	AT&T thing. Sorry. What were the dates for that?	12:44:35
18	Q. January of 2013 to the present time.	12:44:39
19	A. Um, yeah, it's getting a hold of Sprint, and	12:44:42
20	before that, so, that was after my accident because	12:44:48
21	that was '12.	12:44:50
22	So, it would have been Sprint and then AT&T.	12:44:51
23	So, the Sprint one they're very hard to deal with	12:44:55
24	them still.	12:45:01
25	They ended up -- I think I'm almost done with	12:45:01

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1	paying them off. I've got, AT&T bought the contract	12:45:05
2	from Sprint. So, yeah, it was, it's a little hard	12:45:10
3	dealing with Sprint a little bit.	12:45:15
4	They're not that helpful and neither is AT&T.	12:45:17
5	They don't really want to help me, even give me the	12:45:21
6	files. And I haven't really tried that hard,	12:45:25
7	honestly.	12:45:28
8	Q. Have you personally reached out to --	12:45:29
9	A. Yes. I try tried to reach out to AT&T and	12:45:30
10	Sprint just one time, but I didn't proceed. I think	12:45:34
11	they were just send you like a booklet and you have	12:45:36
12	to go through. I don't know exactly.	12:45:40
13	My mom tried, yeah. I think that she tried,	12:45:42
14	too, to get something from AT&T because it's on her	12:45:45
15	account. And the Sprint thing I got nowhere with	12:45:49
16	Sprint.	12:45:51
17	Q. And you said that you think that they sent	12:45:51
18	you a booklet; did you receive anything?	12:45:54
19	A. Yeah, I'm sorry, I didn't receive anything.	12:45:56
20	I just know from the Sprint because that was my	12:45:59
21	account.	12:46:02
22	It was just kind of getting, they talk to	12:46:02
23	this person, talk to that person, giving me a run	12:46:05
24	around.	12:46:09
25	And AT&T my mom said it was under her name	12:46:09

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1	Q. Have you ever received an E-Mail asking you	12:52:22
2	to go out and surf because certain people were	12:52:24
3	expected to be present at Lunada Bay?	12:52:27
4	A. No.	12:52:29
5	Q. Have you ever been part of a group text that	12:52:30
6	discussed surfing at Lunada Bay?	12:52:37
7	A. No.	12:52:40
8	Q. Have you ever been part of a group E-Mail	12:52:40
9	chain that discussed surfing at Lunada Bay?	12:52:44
10	A. No.	12:52:47
11	Q. Do you know if there's any FaceBook page	12:52:47
12	that's devoted to people who regularly surf at	12:52:58
13	Lunada Bay?	12:53:02
14	A. No.	12:53:02
15	Q. Do you own a walkie-talkie?	12:53:03
16	A. No.	12:53:08
17	Q. Do you own a police scanner?	12:53:08
18	A. No.	12:53:10
19	Q. Have you ever had any issues with your cell	12:53:11
20	phone working at Lunada Bay down by the beach?	12:53:17
21	A. Yeah, I don't get service down there.	12:53:22
22	Q. Have you ever gotten service down there with	12:53:23
23	any of your cell phone providers?	12:53:27
24	A. No. It's really pretty bad no matter what.	12:53:28
25	Q. Okay. Since this lawsuit was filed in March	12:53:31

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1	of last year, have you done anything to preserve the	12:53:42
2	information that's on your phone, including	12:53:47
3	photographs and text messages?	12:53:49
4	A. No.	12:53:50
5	Q. Have you deleted any text messages or	12:53:51
6	photographs on your phone that relate to surfing	12:53:57
7	since this lawsuit was filed?	12:54:01
8	A. No.	12:54:03
9	Q. And I don't want to know about conversations	12:54:03
10	that you've had with your attorney, but you're aware	12:54:18
11	that you have an obligation to preserve all	12:54:21
12	information that you have that's potentially related	12:54:24
13	to this lawsuit?	12:54:26
14	MS. HURLEY: Objection, argumentative, vague	12:54:28
15	and ambiguous, lacks foundation.	12:54:30
16	THE WITNESS: Can you --	12:54:32
17	BY MS. WOLFF:	12:54:33
18	Q. Do you want me to repeat it?	12:54:34
19	A. Or rephrase it, I don't understand.	12:54:36
20	Q. Are you aware that you're supposed to	12:54:38
21	maintain everything that you have in your possession	12:54:42
22	that relates --	12:54:44
23	A. Yes.	12:54:45
24	Q. -- that relates to this lawsuit?	12:54:45
25	A. Yes, yes.	12:54:46

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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

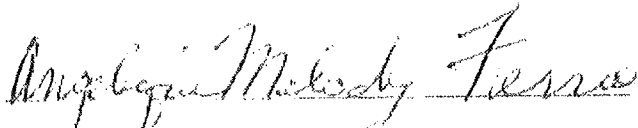
That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney or of any of the parties, nor financially interested in the action.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated this 7th day of July, 2017.

(SIGNATURE WAIVED)


Angélique Melody Ferrio
CSR No. 6979


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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a Certified Shorthand Reporter in the State of California, certify that the foregoing pages are a true and correct copy of the original deposition of CHARLES FERRARA, taken on Friday, July 7, 2017.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 7th day of July, 2017.


Angelique Melody Ferrio
CSR No. 6979